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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,926	10/19/2001	Percy Greenberg	55404/114/101	5035

7590

01/23/2004

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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,926

Applicant(s)

GREENBERG ET AL.

Examiner

Daniel C Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

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### **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **OBJECTION OF CLAIMS ON FORMAL MATTERS**

Claims 1-25 are objected to because the term "engaged" in claim 1 is grammatically incorrect. Applicant is requested to correct the error in response to this Office Action.

### **REJECTION OF CLAIMS OVER PRIOR ART**

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoell (2,279,197). See Figure 5 where the driving section comprising roller 12 and cooperating follower 15 advance the panel F, S, T, R (Figure 1) into the arching section comprising roller 13 and follower 16. The followers are provided with grooves for receiving the panel legs S.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Frey (4,850,212). See Figures 4-6. The rollers 800A, 800B, 800C cooperate with followers 850A, 850B, 850C,

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respectively, to drive and arch the panel 1800. The grooves are shown at 870B, 874B, 878B, 882B and 890B in Figure 4 of one of the roller and follower combinations.

Claims 2-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey (4,850,212) in view of Young (4,910,984). Frey shows that the arching section roller 800A and arching section follower 850A are mounted on links 300A, 400A with links pivoted about a point defined by attachments 320. Young shows a simplified link connection for the roller and follower where the follower 33 is mounted on a link 30 that is pivoted about the roller axis 26. It would have been obvious to the skilled artisan at the time of the invention to have modified Frey's link pivot arrangement by pivoting the links about the roller axis as shown to be conventional by Young so as to simplify the construction of the apparatus by reducing the number of pivot points. The rollers are all synchronously driven in Frey's device (see Figure 6). The specific shape of the workpiece does not effect the construction of the apparatus since the apparatus has the capability of various gap adjustments to the grooves of the followers thus accommodating various panel configurations, such configurations having parallel/nonparallel legs.

Claims 13, 14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey and Young as applied to claim 1 above, and further in view of Diescher (629,496). Frey does not show that the followers can be adjustable along their respective axes. This is a feature that is known as evidence by Diescher so as to accommodate different sized panels. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified

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Frey's followers 850A, 850B, 850C by adjustably mounting the follower sections of each follower as shown by Diescher in Figure 4 at 10, 14, 15 for the noted motivation. The follower sections on each shaft "float" since they can be moved along the axis of the shaft.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey (4,850,212) in view of Diescher (629,496). Frey does not show that the followers can be adjustable along their respective axes. This is a feature that is known as evidence by Diescher so as to accommodate different sized panels. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Frey's followers 850A, 850B, 850C by adjustably mounting the follower sections of each follower as shown by Diescher in Figure 4 at 10, 14, 15 for the noted motivation. The follower sections on each shaft "float" since they can be moved along the axis of the shaft. As to claim 22, see Figures 12-15 where the hub 24 is mounted to the cylindrical member 10 in Diescher. The specific shape of the workpiece does not effect the construction of the apparatus since the apparatus has the capability of various gap adjustments to the grooves of the followers thus accommodating various panel configurations, such configurations having parallel/nonparallel legs.

**PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**RESPONSE BY APPLICANT(S)**

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Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

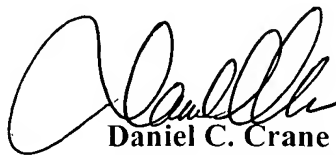
## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (703) 308-1870. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at (703) 308-3136.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725 Facsimile Center number is (703) 872-9306.

DCCrane  
January 16, 2004



Daniel C. Crane  
Primary Patent Examiner  
Group Art Unit 3725